



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of
John B. Cline

Serial No.: 10/811,055

New York, New York 10165

September 8, 2010

Filed: March 26, 2004

For: CONTROLLED EVACUATION OSTOMY
DEVICE WITH EXTERNAL SEAL

Examiner: Ginger T. Chapman

Art Unit: 3761

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1636-135

**MAIL BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

AMENDMENT

This is in response to the Office Action dated July 21, 2010 wherein Claims 35-38 and 40-60 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-17 of co-pending Application Serial No. 11/430,542. Applicant will file the necessary disclaimer once the claims of Serial No. 11/430,542 are allowed.

Claims 35-38, 40, 42-44, 46, 47, 50-55, 59 and 60 have been rejected under 35 USC 103(a) as unpatentable over Kawasaki et al. in view of Wagner, in view of Lloyd and further in view of Barakat. Reconsideration and withdrawal of this rejection is respectfully requested.